added.

REMARKS

1. Restriction Requirement

On page 2, of the September 19, 2005 first-Office Action, the restriction requirement is made Final. Applicants still contend that the all three of the groups I – III should be examined for the reasons previously stated, inter alia, the lack of separate utility. Furthermore, as previously stated, linking claims 22-27 were added and extra claim fees were paid to nevertheless require examination off all three groups upon election of only one group. The Examiner is requested to review MPEP 809.03, in particular, concerning linking claims. Applicants again traverse the restriction requirement and reserve the right to petition once claims are allowed for reinstatement of the claims previously non-elected without prejudice. For these reasons, and because the same search will anyway be undertaken for examination of all three groups, reconsideration of the Restriction Requirtement and examination on the merits of the claims of all of the three groups I – III is respectfully requested.

Although the non-elected claims were cancelled in the September 19, 2005 Office Action, the Examiner is hereby given permission by Examiner's Amendment to reinstate the cancelled claims for purposes of examination on the merits or to reinstate the cancelled claims upon Allowance.

In the concurrent amendment, claim 16 is amended, claims 18 and 20 are cancelled, and claims 28-35 are added.

REMARKS

1.   Restriction Requirement

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2. Rejection under 35 U.S.C. 112, first paragraph

On page 2, of the September 19, 2005 first-Office Action, claim 1 was rejected under the first paragraph of 35 U.S.C. 112 as failing to comply with the written description requirement because of the recitation of an "OLE_LINK1." An "OLE_LINK1" is a hidden tag that the Microsoft Word, word processor places in text. This patent application was filed electronically using the USPTO PASAT tool under Microsoft Word. This tool mistakenly rendered this OLE_LINK1 tag as claim text. This unfortunate occurrence is regretted. Applicants contend that it is clear that this tag was a process error and not the requested original claim language. Applicants have nevertheless amended the claims to clarify that they do not and did not contain the recitation to an OLE_LINK1.

Accordingly, reconsideration and withdrawal of the claim rejection under the first paragraph of 35 U.S.C. 112 for failing to comply with the written description requirement is respectfully requested.

3. Rejection under 35 U.S.C. 103

On page 3, of the September 19, 2005 first-Office Action, claims 16-21 were rejected as unpatentable under 35 U.S.C. 103(a) over Pavlik (US Patent No. 6,807,633), Ginter et al. (US Patent Application Publication No. 2002/0112171) and Carter et al. (US Patent Application Publication No. 2001/0021252).

None of Pavlik, Ginter et al. or Carter et al. disclose or suggest an assembler for assembly of a digital rights key having both a digital signature and permission information, "wherein the permission information comprises a destination identifier and a type designation" as recited in claim 16. The present invention makes and sends a key where permission information is not only sent alongside the signature, but that same permission information is sent together with the signature to the recipient. This permission information is even sent in clear text as recited in claim 17. The recipient then can decode the key in the same was as it was encoded – by using the permission information received and the known security parameter index to decode the digital signature. Pavlik, Ginter et al. and Carter et al. do not disclose a "destination identifier and a type designation" used for both encryption of the signature and assembly of the key as recited in claims 16 and 17.

Dependent claims 19 and 21 contain the limitations of their corresponding independent claim 16 and are patentable over Pavlik, Ginter et al. and Carter et al. for the reasons discussed above and contain additional limitations which are not taught by Pavlik, Ginter et al. or Carter et al. Dependent claim 19 recites that the permission information used by the digital signature calculation block and the assembler further comprise "a feature ID and a number of feature units". Dependent claims 21 recites that "the assembler comprises an XML encoder" operatively coupled "to provide XML tags surrounding the permission information and the digital signature to produce at least one digital rights key."

Furthermore none of Pavlik, Ginter et al. or Carter et al. disclose or suggest a "digital rights key having a signature and permission information, wherein the permission information comprises a destination identifier and a type designation" as recited in claim 16.

The Office action relies on Ginter et al. to show an "OLE_LINK1". This "OLE_LINK1" limitation was not included in the claims as previously discussed in our reply to the first paragraph rejection under 35 U.S.C.112. Accordingly the Ginter et al. reference is unnecessary and the rejection under it should be withdrawn for this reason as well.

Accordingly, reconsideration and withdrawal of the rejection of claims 16-21 under 35 U.S.C. § 103(a) as unpatentable over Pavlik, Ginter et al. or Carter et al. is respectively requested.

New independent claim 28 and new dependent claims 29-35 recite assembly of the key with XML tags surrounding the permission information and the digital signature. The XML disclosed by Pavlik at col. 5, lines 32-53 is used to render a sample electronic document template 200 of the bank check illustrated in FIG. 2 of Pavlik. Such would not have rendered obvious using XML tags to surround the permission information and the digital signature of a key as claimed.

4.   Conclusion

For the foregoing reasons, Applicants submit that the present application is now in condition for allowance, and notice to that effect is hereby requested. Should the Examiner feel that further dialog would advance the subject application to issuance, he is invited to contact the undersigned.

The Examiner is invited to contact the Applicants' Representative at the below-listed telephone number if there are any questions regarding this communication.

Respectfully submitted,

Marko W. Pfaff et al.

By their Representatives,

By _____
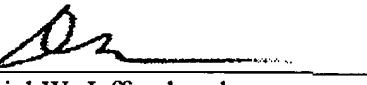
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 30, 2005.

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